

212/518

Remarks

Claims 3 - 5, 7 - 12 and 14 - 16 remain pending in the application. Claims 6 and 13 are canceled.

Claims 5 - 6 and 13 stand rejected under 35 U.S.C. § 102(b) as anticipated by Stokes, Apparatus for mounting trolling devices on watercraft, U.S. Patent No. 5,673,507 (oct. 7, 1997). As amended, the fastener of independent claim 3 is adapted to allow the first fishing rod to rotate in any direction and align the first fishing rod with drag of a hook and tackle while the boat is trolling. Stokes does not teach or suggest a fastener adapted to allow aligning the first fishing rod with drag of a hook and tackle while the boat is trolling. Fishing rods in Stokes cannot be aligned because the fishing rods are rigidly held in place by their handles. Freely suspending the fishing rod by the reel as claimed by the Applicant allows the rod itself to rotate in any direction during trolling. Freely suspending the fishing rod by the reel puts less stress on the shaft of the fishing rod because the rod is able to align itself with the tackle. This technique is more effective in trolling and improves the functional longevity of the rod by reducing stress placed on the rod. Since Stokes fails to teach or suggest one limitation claimed by the Applicant, Stokes does not anticipate the Applicant's claimed invention. Therefore, withdrawal of this rejection is respectfully requested.

Claim 6 and claim 13 are canceled. Thus, the rejections with respect to claims 6 and 13 are now moot.

Claims 3 - 4, 7 - 8, 10 and 14 - 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Malmberg, Fishing Rod

212/518

Tender, U.S. Patent 5,778,592 (Jul. 14, 1998) in view of Rossiter, Fishing Harness Adapter, U.S. Patent No. 5,662,251 (Sep. 2, 1997). The Applicant claims in amended independent claims 3, 4 and 5, *inter alia*, a fastener adapted to allow the first fishing rod to rotate in any direction and align the first fishing rod with drag of a hook and tackle while the boat is trolling. The combination of Malberg and Rossiter fails to teach or suggest a fastener adapted to allow the first fishing rod to rotate in any direction and align the first fishing rod with drag of a hook and tackle while the boat is trolling. Malberg holds the handle of a fishing rod rigidly and cradles the fishing rod shaft with S-shaped cradle member 88. The tip of the fishing rod in Malberg is held vertically stationary. (see col 3 line 65 through col. 4, line 13). Malberg does not freely suspend the fishing rod by the reel allowing the rod itself to rotate in any direction so the rod can align itself by using the drag of the tackle while the boat is trolling. In contrast to Malberg, the Applicant's device allows the entire fishing rod to rotate in any direct including vertically. The Applicant's claimed device lets the fishing rod align itself by the drag of the bait.

Rossiter is directed towards a fishing harness for stand up fishing. (col. 1, lines 1 – 10). The Rossiter device requires the fisherman to wear the device while the Applicant's device does not. Furthermore, Rossiter does not allow for the fishing rod to rotate in any direction and for the rod to align with the drag of the tackle. Since the combination of Malberg and Rossiter fails to teach or suggest limitations found in the Applicant's claimed invention, the combination fails to render obvious Applicant's claims 3 – 4, 7 – 8, 10 and 14 – 16.

212/518

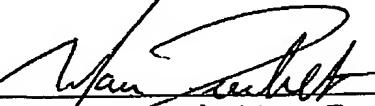
The Applicant's claimed device offers unappreciated advantages over the prior art of record. Rossiter is directed towards a harness that requires constant use by the user/fisherman. The Applicant's device allows the fishing rod to be left unattended and for the user to deploy multiple rods on a fishing troller/boat. Furthermore, the Applicant's claimed invention allows a fishing rod to rotate in any direction and to align itself with the fishing line. This puts less stress on the rod and is more effective in trolling. For at least these reasons, withdrawal of these rejections is respectfully requested.

Conclusion

This response has addressed all of the Examiner's objections and grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: July 13, 2006

By:


Marc J. Frechette, Esq.
Reg. No. 49060